

David Fink (*pro hac vice*)
FINK & JOHNSON
7519 Apache Plume
Houston, TX 77071
Telephone: 713-729-4991
Facsimile: 713-729-4951
Email: federallitigation@comcast.net

Duncan M. McNeill (Cal. Bar No. 136416)
1514 Van Dyke Avenue
San Francisco, CA 94124
Telephone: 415-752-5063
Email: dmcneill@netzero.net

Attorneys for Plaintiff and Counter-defendant
FuzzySharp Technologies, Incorporated

Mark L. Pettinari (Cal. Bar No. 119293)
LAW OFFICES OF MARK L. PETTINARI
Stock Exchange Tower
155 Sansome Street, Suite 400
San Francisco, CA 94104
Telephone: 415-240-4200
Facsimile: 415-240-4202
Email: mlpettinari@mlplawoffices.com

Attorneys for Defendant and Counterclaimant
3Dlabs Inc., Ltd.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

FUZZYSHARP TECHNOLOGIES
INCORPORATED,

Plaintiff,

vs.

3DLABS INC., LTD.,

Defendant.

) Case No.: 07-CV-5948-SBA

)

) **STIPULATION AND ORDER**

) **EXTENDING TIME FOR FILING JOINT**

) **CLAIM CONSTRUCTION STATEMENT**

)

)

)

)

)

)

3DLABS INC., LTD., a Bermuda Corporation,
 Counterclaimant,
 vs.
 FUZZYSHARP TECHNOLOGIES
 INCORPORATED, a Nevada Corporation,
 Counter defendant.

Plaintiff and Counter defendant FUZZYSHARP TECHNOLOGIES INCORPORATED (“FST”) and Defendant and Counterclaimant 3DLABS INC., LTD. (“3Dlabs”), by and through their respective counsel of record, do hereby stipulate as follows:

WHEREAS, the deadline for filing a Joint Claim Construction Statement with the Court is January 16, 2009;

WHEREAS, on November 26, 2008, the parties timely exchanged patent claim terms which they each believe require interpretation in this case;

WHEREAS, the proposed construction of claim terms identified by the parties was to be exchanged on Friday, December 12, 2008, but was extended by agreement of counsel to Monday, December 15, 2008;

WHEREAS, on December 15, 2008, 3Dlabs provided FST with its proposed construction of claim terms;

WHEREAS, on January 5, 2009, FST provided 3Dlabs with its proposed construction of claim terms identified by 3Dlabs;

WHEREAS, on January 9, 2009, counsel for the parties conferred via telephone regarding the differing constructions of terms;

WHEREAS, lead counsel for FST, David Fink, has been traveling on personal family matters for the past month and has recently taken ill;

1 WHEREAS, on January 15, 2009, 3Dlabs received a revised set of proposed constructions
2 of claim terms from counsel for FST;

3 WHEREAS, based on the revised proposed constructions received from counsel for FST
4 on January 15, 2009, the parties are in agreement for the construction of several claim terms and
5 are close to agreement on the construction of other claim terms. However, counsel for 3Dlabs
6 needs additional time to review the proposed constructions received from FST, to confer with his
7 client, and to determine which remaining terms the parties can agree and which remaining terms
8 will be disputed;

9 WHEREAS, the parties agree that the time for filing the Joint Claim Construction
10 Statement should be extended to February 13, 2009, to enable further review and discussion about
11 the construction of claim terms not yet agreed upon;

12 WHEREAS, the intervening Claim Construction discovery deadline of January 30, 2009,
13 need not be changed as neither party will be taking any discovery for the purposes of claim
14 construction. In addition, the proposed extension to February 13, 2009, will not affect the
15 remaining deadlines for claim construction briefing and the hearing as set forth in the Court's
16 Order Modifying the Case Management Scheduling Order (Document No. ;

17 NOW THEREFORE, the deadline for filing a Joint Claim Construction Statement shall be
18 extended to February 13, 2009. Accordingly,

19 **IT IS SO STIPULATED:**

20
21 Dated this 16th day of January, 2009.

By: /s/David Fink
David Fink

22
23 *Attorneys for Plaintiff and Counter defendant*
24 *FuzzySharp Technologies Incorporated*


25 Dated this 16th day of January, 2009.

By: /s/ Mark L. Pettinari
Mark L. Pettinari

26
27 *Attorneys for Defendant and Counterclaimant*
3Dlabs Inc., Ltd.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1/22/09


Saundra Brown Armstrong
United States District Court Judge